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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,148	05/05/2004	Doug Mains	MAI-4	7389

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EXAMINER

BREAN, LAURA MICHELLE

ART UNIT PAPER NUMBER

3724

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/840,148	MAINS, DOUG	
	Examiner	Art Unit	
	Laura M. Brean	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/03/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "22" and "11" have both been used to designate the "saw blade", and reference characters "18" and "19" have both been used to designate the "housing shield." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 23 (Figures 1 and 2) and 71 (Figure 2). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because they are unclear. Figure 2 shows a side view of the subject invention, where reference numbers 13, 18 and 12 are in the center of the drawing. Each of the three reference numbers indicates a feature in the drawing vertically positioned above the previous feature. However, it is indistinguishable where these features are located in the end view, Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top

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margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

On page 5, line 16, "hydraulic" should be "hydraulic".

On page 6, line 25, it is stated that the extending means is not shown; yet on page 7, line 14, the extending means is pointed out as 16 and is shown in the Figures. It appears that this phrase "(not shown)" should not be in the specification.

On page 7, line 29, it is stated that in Figure 3, the saw blade assembly is shown in the retracted position as also shown in Figure 1. However, Figure 3 shows the saw blade assembly in the extended position, as not shown in Figure 1. It is suggested to change "In Fig. 3, as in Fig. 1, the saw blade assembly 10 is shown in the retracted position" to --In Fig. 3, the saw blade assembly 10 is shown in the extended position--.

On page 8, line 5, the extended arm is inconsistently referenced as number thirty-one (31) and should be changed to number thirteen (13).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, there is no positive antecedent basis for "the saw blade motor."

Claim Rejections - 35 USC § 102 and 103

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mains (U.S. Patent 5,408,907).

Mains discloses a circular saw blade assembly (10) having a circular saw blade (11), drive means (12), an extension arm (13) slidably contained within an arm sleeve (14), extending means (21) is non-pivotally secured to the extension arm.

In regards to claim 2, Mains discloses in Figure 2, the cradle means (30) having a width greater than the circular saw blade assembly (10).

In regards to claim 3, Mains discloses an abutment means (24/ 25) capable of contacting and aligning logs.

In regards to claim 4, Mains discloses an adjustable abutment means (24/25) in relative distance to said saw blade assembly (disclosed in column 2, lines 46-49).

In regards to claim 5, the cradle means (30) is U-shaped as disclosed by Mains in column 2, lines 24-7, and as seen in Figures 1 and 2.

In regards to claim 6, Mains discloses the use of a tower (23) surrounding the saw blade assembly (10) and is mounted to the cradle means (30).

In regards to claim 7, Mains discloses extending means (15) comprising an arm piston (21) that is hydraulically operated.

In regards to claim 8, the Mains' device includes wheels (71).

9. Claims 9 –10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mains in view of Fujikawa (U.S. Patent 4,356,871). Mains discloses the claimed invention substantially as claimed except for the hydraulic system for operating the drive

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means and extension means that uses a charge accumulator for delaying the time of engagement of the blade and the extension arm, as well as a time delay valve.

However, Fujikawa discloses that it is old and well known in the art to use hydraulic circuit systems for a driving means of a tool as well as an extension means for the tool, wherein a charge accumulator (including a time delay valve for varying threshold hydraulic pressure in the charge accumulator) is used for delaying the time of engagement of the tool and extension means (for example, see column 4, lines 5-15) for the purposes of preventing damage to the tool. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hydraulic circuit system with charge accumulator for delaying the time of engagement of the tool and extension means in order to prevent damage to the tool.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,305,259 to Whitworth also discloses a log-cutting apparatus with a circular saw designed to process logs into segments of varying lengths. U.S. Patent 4,873,902, to Krieg also discloses a circular saw with a hydraulic accumulator to provide constant uniform pressure through the entire cutting cycle.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-


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8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMB 
10/07/2005


Allan N. Shoap
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